

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 Nesper et al.)
)
 Application No.:)
)
 Filed: Herewith)
)
 For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

MAIL STOP PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (No. EV 129898049 US) addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2003.	
By:	<u>Carol Prentice</u> Carol Prentice

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §1.56, Applicants wish to call the attention of the Examiner to the following references:

U.S. PATENTS:

<u>Patent No.</u>	<u>Patentee</u>	<u>Date of Issue</u>
6,068,631	Lerch	May 30, 2000
6,238,395	Bonutti	May 29, 2001

FOREIGN PATENT DOCUMENTS:

<u>Country</u>	<u>No.</u>	<u>Date of Publication</u>
Germany	199 52 359	Mar 22, 2001

Information Disclosure Statement
Nesper et al.
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The references listed above were cited by the International Examiner in the Search Report (copy enclosed) of Applicants' counterpart international patent application no. PCT/EP02/05652 (MPEP §2001.06(a)).

DE 199 52 359 was also cited by the German examiner in Applicants' counterpart German patent application 101 28 918.9.

DE 199 52 359 has an English language counterpart, namely U.S. Patent Publication No. 2002/0156475.

OTHER FOREIGN PATENT DOCUMENTS:

<u>Country</u>	<u>No.</u>	<u>Date of Publication</u>
Germany	196 03 887	Aug 14, 1997

The references listed above were cited by the German Examiner in Applicants' counterpart German patent application 101 28 918.9 (MPEP §2001.06(a)).

DE 196 03 887 has an English language counterpart, namely U.S. Patent No. 5,800,436.

OTHER U.S. PATENTS/PUBLICATIONS:

<u>Patent/Pub. No.</u>	<u>Patentee/Inventor</u>	<u>Date of Issue/Pub.</u>
5,800,436	Lerch	Sep 01, 1998
2002/0156475	Lerch et al.	Oct 24, 2002

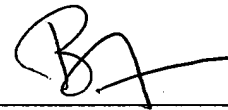
Information Disclosure Statement
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Copies of the above-listed foreign references are enclosed, together with a completed form PTO-1449.

Consideration of these references by the Examiner is respectfully requested.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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Date: December 9, 2003
ATTORNEY DOCKET NO.: HOE-790

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO.: HOE-790	SERIAL NO.:
APPLICANT(S): Nesper et al.		
FILING DATE: Herewith		GROUP:

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
AA	6,068,631	05/30/2000	Lerch			
AB	6,238,395	05/29/2001	Bonutti			
AC	5,800,436	09/01/1998	Lerch			
AD	2002/0156475	10/24/2002	Lerch et al.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO
AE	199 52 359	03/22/2001	Germany			
AF	196 03 887	08/14/1997	Germany			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.